

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 23, 2007

File Number: 4561-3-1136

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation* (87-83) – Clean Environment Act again, unless otherwise stated by the Minister of Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated August 12, 2007), as well as to those from all subsequent correspondence and reports during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Project Assessment and Approvals Branch every 6 months from the date of this Determination until such a time as the project is complete and the NB Department of Environment (NB DENV) is satisfied that all the conditions have been addressed.
4. The proponent shall collect baseline water quality data (equivalent to NB DENV *I package and bacterial analysis) from all water supply wells within 600 metres of any areas where blasting will be carried out prior to the commencement of blasting activities. The baseline water quality data must be kept on file by the proponent and be made available to NB DENV upon request. Should any local water supply wells be significantly impacted (quality or quantity) by the construction associated with the harbour development project, the proponent shall remediate or replace the water supply well.
5. The proponent shall ensure the dredging will be carried out during a period of the year when the impact over the aquaculture industry will be minimal and ensure the aquaculture operators of the following sites are consulted sites prior to each project phase; MF-0413, MF- 0202, MF-0270, MF-0491, MF-0303. For additional information regarding the operators of these sites please contact Mr. Raymond Savoie, New Brunswick Department Agriculture and Aquaculture at (506) 453-3602.
6. The undertaking will affect Crown Land under the administration and control of the New Brunswick Department of Natural Resources (NB DNR). Permission must be obtained from the NB DNR Crown Lands Branch prior to commencement of construction. Application can be made via the DNR's website (www.gnb.ca/0263/), e-mail (cltc@gnb.ca) or by phone (1-888-312-5600).
7. A Quarry Permit must be obtained from NB DNR prior to the commencement of dredging activities. For additional information regarding Quarry Permits, please contact Mr. Mitch O'Donnell at NB DNR at 1-506-453-2206.

8. Prior to the commencement of construction activities, the extension of the water intake pipe for Helshiron Fisheries as well as the decommissioning of the former Connors fish processing plant intake and discharge pipes must be complete. In addition all modifications to the Helshiron water intake pipe must be carried out in accordance with the facility's Approval to Operate. For additional information regarding the Helshiron Approval to Operate please contact Carolyn Walker, NB Department of the Environment at (506) 658-2558.
9. The proponent shall ensure the New Brunswick Department of Transportation is contacted regarding the requirements for the safe transportation of heavy construction material such as fill aggregate and armour stone. For additional information please contact Mr. Alan Kerr District Transportation Engineer, at (506) 643-7463.
10. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Section, NB Department of Wellness, Culture and Sport, shall be contacted at 453-2756 for further direction.
11. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
12. The proponent shall ensure that all contractors and operators associated with the construction and operation of this facility comply with the above requirements.